

Chapter 929 of the Acts of 1945 of the General Assembly of Maryland, to follow immediately after Section 12 (c) of said Article, to be known as Section 12 (c-1) thereof; to provide for examination in the presence of the public, public hearing, and judicial review of re-classification of any submerged area from natural oyster bed to barren bottom open to private leasing, for a public record of the change before leasing, and for equality of opportunity to lease such areas.

WHEREAS, the Court of Appeals of Maryland has decided that under the present law application may be made for a private lease of what is shown on the public charts as a natural oyster bed excluded from leasing, and the Commission may then re-examine the area with only the applicant doing the tonging to determine the number of oysters there and on such examination find that the area is now barren and grant a lease even before filing an amended chart in the Circuit Court of the County; and there is possibility of error and abuse and granting away of public natural resources, that this Act is intended to eliminate. Now, therefore

**SECTION 1.** *Be it enacted by the General Assembly of Maryland,* That a new section is hereby added to Article 72 of the Code of Public General Laws of Maryland (1939 Edition), title "Oysters and Clams", sub-title "Private Oyster Culture", as enacted by Chapter 929 of the Acts of 1945 of the General Assembly of Maryland, to follow immediately after Section 12 (c) of said Article, to be known as Section 12 (c-1) thereof, and to read as follows:

12 (c-1). Before the Department of Tidewater Fisheries may re-classify any submerged area of the State from natural oyster bed, excluded from leasing, to barren bottom open to being leased, it shall advertise the time, place, and purpose to re-examine the area, twice a week for two successive weeks, in a newspaper of general circulation in the county, if the area is within county waters, or in a newspaper of general circulation in the State, if the area is not within the waters of any county. Any members of the public may be present at the re-examination. If any person present then and there offers to make further tests in the presence of the agents of the Department of Tidewater Fisheries they shall witness same and make note of the findings. If upon such re-examination the Department of Tidewater Fisheries proposes to re-classify the area from natural bed to barren bottom, it shall first hold a public hearing, and the time, place, and purpose shall be advertised as aforesaid. Any person may, by way of